

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GIRAFA.COM, INC.)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 07-787-SLR
)	
IAC SEARCH & MEDIA, INC.,)	
SNAP TECHNOLOGIES, INC.,)	
YAHOO! INC. and)	
SMARTDEVIL INC.,)	
)	
Defendants.)	

O R D E R

At Wilmington this 15th day of September, 2009, having denied defendants' motions for summary judgment of invalidity (D.I. 313, 320) by separate opinion and order of this same date, and having briefly considered the parties' submissions in connection with defendants' remaining motions, it is hereby ORDERED that:

1. Defendants' motion for leave to file a motion to strike the supplemental expert reports of plaintiff's expert Dr. Myers (D.I. 325) is denied. The court shall address the substance of defendants' motion at the pretrial conference, as per its practice regarding such evidentiary matters.

2. With respect to defendant's motions for summary judgment of non-infringement (D.I. 302, 316, 317), by its memorandum order of the same date, the court has resolved the contested issues of claim construction. It is the court's understanding that the resolution of the claim construction issues may moot many of the infringement issues pending in this case. In the interest of expediting these proceedings, and in view

of the court's very limited resources, IT IS FURTHER ORDERED that:

3. Prior to the pretrial conference scheduled in this matter for **September 22, 2009**, the parties shall confer on the issues remaining to be tried in this matter and file, as appropriate, stipulations of infringement and/or non-infringement with respect to all other claims.

4. The parties shall identify any remaining contested infringement issues in the pretrial order¹ and be prepared to discuss these issues at the pretrial conference, at which time the court shall discern whether a triable issue exists with respect to such claims.

5. Plaintiff shall identify in the pretrial order any contested infringement claims for which plaintiff relies upon Dr. Myers' contested supplemental reports.


United States District Judge

¹For the court's convenience, the accused products (including product version(s) and version dates where applicable), particular claims asserted against such products, and contested claim limitations, shall be clearly identified in the parties' submission.